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meaning of section 2 of the Act when it has been secured by methods contrary to common law<sup>10</sup> or statute. Accordingly a "contract, combination, or conspiracy" in restraint of interstate commerce illegal under section 1 of the Act should constitute such unlawful means as to bring any resulting monopoly within the prohibition of section 2. And as the court is undoubtedly correct in holding that there has been in the present case an illegal combination under section 1, their further conclusion that the defendants are also guilty of a violation of section 2 seems therefore logically to follow.

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INTENTION REQUISITE TO EFFECT A CHANGE OF DOMICILE. — Less than a century ago doubt was expressed whether an Englishman could by any acts and intentions change his English domicile;<sup>1</sup> but this doubt was speedily put an end to by the ecclesiastical courts by whom it had first been voiced.<sup>2</sup> A generation later it was laid down that for a change of domicile there must be a change of nationality; that is, an Englishman, to acquire a French domicile, must live in France with intent to become a Frenchman.<sup>3</sup> But these strong expressions were presently given a mild interpretation;<sup>4</sup> and it is now clear law that domicile may be abandoned although nationality is retained.<sup>5</sup> Some English authority<sup>6</sup> turned with approval to the Scotch doctrine that for change of domicile there must be an intent to acquire a new civil status;<sup>7</sup> that is, an Englishman in France might acquire a French domicile only by a conscious though, it might be, unexpressed choice of French law. But as the deliberate rejection and selection of systems of law is obviously rare among laymen, it is not unfortunate that this doctrine was subsequently denied.<sup>8</sup> An eminent text-writer,<sup>9</sup> however, revised and revived it, citing authority<sup>10</sup> for the proposition that a man may change his domicile only by a conscious choice of foreign law or by action necessarily involving an unconscious choice. But that such theory is not the present English law, its learned proponent himself has very recently admitted.<sup>11</sup> Under the modern decisions there is a change of domicile whenever there is a change of residence to any Christian country, concurring with an intent that the change be permanent.<sup>12</sup>

This latest English test for change of domicile has been adopted by many cases in this country.<sup>13</sup> By others a variety of rules have been pro-

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<sup>10</sup> Thus threats, intimidation, and violence are unlawful common-law means. U. S. v. Patterson, 55 Fed. 605, 641.

<sup>1</sup> *Curling v. Thornton*, 2 Add. 6.

<sup>2</sup> *Stanley v. Bernes*, 3 Hagg. Eccl. 373.

<sup>3</sup> *Moorhouse v. Lord*, 10 H. L. Cas. 272.

<sup>4</sup> *Udny v. Udny*, L. R. 1 Scotch App. 441.

<sup>5</sup> *Brunel v. Brunel*, L. R. 12 Eq. Cas. 298.

<sup>6</sup> *Attorney-General v. Countess de Wahlstatt*, 3 H. & C. 374.

<sup>7</sup> *Donaldson v. McClure*, 20 D. (Scotch Sess. Cas., 2d ses., 1857) 307.

<sup>8</sup> *Douglas v. Douglas*, L. R. 12 Eq. Cas. 617.

<sup>9</sup> *Westlake*, Priv. Int. L., 4 ed., § 256, (3).

<sup>10</sup> *Sharpe v. Crispin*, L. R. 1 P. & D. 611.

<sup>11</sup> *Westlake*, Priv. Int. L., 4 ed., § 256, (3).

<sup>12</sup> *Lord v. Colvin*, 4 Drew. 366; *Winans v. Attorney-General*, [1904] A. C. 287.

<sup>13</sup> *The Venus*, 8 Cranch 253; *Carey's Appeal*, 75 Pa. St. 201. The only reflection found of the older English requirements of intent to change nationality or status is in *Dupuy v. Wurtz*, 53 N. Y. 556.

pounded: that there must be an intent to remain merely an unlimited time,<sup>14</sup> or an indefinite time,<sup>15</sup> or even a definite period if reasonably long.<sup>16</sup> A number of courts have defined the intent necessary no more minutely than as the intent to found a new home.<sup>17</sup> This test as matter of law reconciles all the others; for under it the varying criteria of permanence, indefiniteness, and the like, are nothing more than differences of opinion as to what in fact constitutes the intent to found a home.<sup>18</sup>

A recent case decides that an American residing permanently in a Chinese treaty port obtains a Chinese domicile. *Mather v. Cunningham*, 3 Am. Journ. Int. L. 752 (Me., Sup. Ct., Apr. 15, 1909). An English case cited in the opinion holds on similar facts against a change of domicile, on the grounds that no Christian can desire to become a Chinese, or subject himself to Chinese laws; and that the existence of extraterritorial courts is the best proof of these inferences.<sup>19</sup> The inferences, indeed, require no proof; but under general principles they seem quite irrelevant. As has been said, the present English law requires for change of domicile intent neither to acquire a new nationality nor a new status. Nor does the situation demand a special principle. For on any theory Europeans in a treaty port are tried under Occidental systems in consular courts; so that there is here not even the ordinary objection to a change of legal home, that it involves an abandonment of home law. The Maine court is accordingly to be commended for declining to recognize in a complicated topic a new and unnecessary complication.

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RIGHT OF A COMMON CARRIER TO REFUSE SERVICE OWING TO THE NATURE OF THE GOODS. — The liability of a common carrier is twofold. Owing to the public character of his employment he is under a duty to serve all, without discrimination, to the extent of his profession; and because he has assumed a profession which in early times was hazardous, he is liable as insurer of objects carried,<sup>1</sup> except in the case of passengers, animals, and articles subject to inherent vices.<sup>2</sup> The courts speak of the latter ob-

<sup>14</sup> *Mitchell v. United States*, 21 Wall. 350; *Guier v. O'Daniel*, 1 Binn. (Pa.) 349 n.

<sup>15</sup> *Venable v. Paulding*, 19 Minn. 488. In *Attorney-General v. Pottinger*, 6 H. & N. 733, Bramwell, B., accepted as the test for change of domicile, the intent to remain an indefinite time. But this was not followed in later English decisions. Very similar to the intent to remain an indefinite time is the intent to remain indefinitely, which is regarded as essential in *Concord v. Rumney*, 45 N. H. 423.

<sup>16</sup> *Gilman v. Gilman*, 52 Me. 165.

<sup>17</sup> *White v. Brown*, 1 Wall. Jr. C. Ct. 217.

<sup>18</sup> Where different expressions are so common, it is hard to speak of the weight of authority. But it is conceived that the courts in most of the states will usually find a change of domicile in the case of any one intending to set up a new home. This tendency is more pronounced as to changes of municipality than of state. *Wilbraham v. Ludlow*, 99 Mass. 587.

<sup>19</sup> *In re Tootal's Trusts*, 23 Ch. Div. 532.

<sup>1</sup> *Citizens Bank v. Nantucket Boat Co.*, 2 Story (Mass.) 16, 33; *Johnson v. Midland Ry. Co.*, 4 Exch. 367; *Wisons v. Hamilton*, 4 Oh. 722. See also 11 HARV. L. REV. 158, 164.

<sup>2</sup> *Clark v. McDonald*, 4 McCord (S. C.) 223; *Blower v. Great Western Ry. Co.*, L. R. 7 C. P. 655; *Clarke v. Ry. Co.*, 14 N. Y. 570. It is often said that carriers of live-stock are insurers not liable for injuries due to the propensities of the animals. *Chi. & Louisville Ry. Co. v. Woodward*, 164 Ind. 360; *Lewis v. Pa. Ry. Co.*, 70 N. J. L. 132.